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FIRST DISTRICT, SOUTH CAROLINA

COMMITTEE ON THE BUDGET

COMMITTEE ON  
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TRANSPORTATION AND INFRASTRUCTURE

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-4001

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July 27, 2017

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Chairman Pai,

I hope that you're well.

From afar, I have admired your leadership and willingness to challenge the status quo at the Federal Communications Commission (FCC), and accordingly, I write. In particular, I'm reaching out to you about the growing infiltration of contraband cell phones into our nation's correctional facilities.

You could make a real difference here. In fact, there are very few things in domestic public policy that entail life and death itself. This issue does, and your actions here could literally save lives and make a profound difference.

My request simply is that the FCC reverse its position prohibiting the use of jamming technologies by state and local correctional facilities. I believe the policy in many ways has been driven more by industry lobbying than common sense and a realistic interpretation of the law.

This is something I dealt with during my eight years as Governor of South Carolina. In 2010, an illegal cell phone was used to plan the attempted murder of Capt. Robert Johnson, a corrections officer at the Lee Correctional Institution. Following this tragedy, our Administration, Capt. Robert Johnson, and Jon Ozmint, Director of the South Carolina Department of Corrections, led the charge to press the FCC to allow South Carolina to conduct a pilot program to jam illegal cell phone signals in correctional facilities. Despite the clear danger illegal cell phones present, the FCC caved in to industry special interests and refused to allow South Carolina to carry out its proposed pilot program.

The threat of illegal cell phones has not diminished since 2010. Earlier this month, an inmate serving five life sentences at the Lieber Correctional Institution in Ridgeville, South Carolina coordinated his escape using an illegal cell phone. In light of this recent incident, I am encouraged that on March 23, 2017, the FCC issued a Report and Order and Further Notice of

Proposed Rulemaking to seek comment on what actions the FCC can take to address illegal wireless devices in our correctional facilities. I am asking that the FCC amend the proposed rule to include controlled jamming technology and to provide stringent measures to ensure carrier participation in beacon technology and cooperation with managed access technology and future technologies.

While some may argue there are risks to uncontrolled use of some jamming devices, those perceived risks can easily be mitigated. Section 333 of the Federal Communications Act does not prevent the FCC from authorizing the use of jamming illegal wireless device signals. Section 333 merely prohibits the "willful or malicious interference to authorized radio communications." Since both cell phones and cell phone calls are criminal acts inside most correctional facilities, their use constitutes unauthorized communications. Jamming those illegal signals could not violate Section 333.

Additionally, I am hopeful that you will consider requiring that wireless carriers cooperate and participate in the deployment of beacon technology, as referenced in your proposed rule. It is my understanding that this technology would use software embedded in phones to provide a 100% solution, while allowing "whitelisting" by correctional agencies as appropriate.

Finally, as we have learned from multiple deployments of managed access technology, all technological solutions require meaningful carrier action and cooperation, not just simply lip-service. Deployments of managed access and other technologies have proven that we need more, not fewer potential solutions.

This significant threat to public safety continues to grow, with more phones being seized in prisons each year as potential solutions have languished due to the lack of FCC action and opposition by powerful special interests. Thank you for your consideration, and I look forward to seeing you on the Hill in the not-too-distant future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Sanford", with a long horizontal flourish extending to the right.

Mark Sanford  
Member of Congress